REMARKS

This Amendment is being filed with a Request for Continued Examination since the last Office Action has been made final.

For the record and in response to the comments made by the Examiner in the Office Action, Applicants confirm their election of the Group I invention claims to be examined in the subject application. This election is confirmed without traverse.

With reference to the claim rejections set forth in the Office Action, claims 1-2, 4-5, 9-11, 12 and 14 stand rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,545,697 (hereinafter "Parker"). This rejection is traversed in view of the following arguments.

The Examiner asserts that Parker discloses a videophone system comprising, inter alia, a communication network (101/102, Fig. 1) configured for transmitting video and audio communications. Applicants respectfully traverse this characterization of Parker. Parker does not disclose or even suggest a communication network configured for transmitting both video and audio communications. To the contrary Parker specifically describes a public data network (110) for the video component of the communications, and a separate public telephone network (120) for the audio component of the communications. Numerous references within Parker (Figures 2 -10, Abstract, Col. 1, line 52 – Col. 2, line, etc) specifically state that in the Parker device a standard telephone call is first established between the parties over the public telephone network (120), and that this telephone call is used to initiate messages to the server system (111) which causes any video components of the communications between the parties to be transferred over the public data network (110). Parker clearly requires two separate and independent networks, one for audio communications and one for video communications. To reinforce this difference the Applicants have further amended independent Claims 1 and 12 to require "a

communications network interconnecting said videophones and having sufficient bandwidth for and configured for transmitting both video and audio communications in real time." The Examiner's attention is drawn to paragraph 2 of the present application where the Applicants provides antecedent for this limitation, specifically stating that "conventional telephone systems (or PSTN systems) operate at a bandwidth appropriate for voice communications...Contrastingly video distribution systems (including cable television systems) operate at a much broader bandwidth than telephone systems..." The present invention does not in any manner use the PSTN network to make a video call but rather all communications, both audio and video are sent over the broadband network which is configured for and has sufficient bandwidth for such combined communications. This limitation has also been added with respect to the reference to the communications media in Claims 2 and 12.

In addition the Applicants have further amended independent Claims 1 and 12 to require that unique identification information for each videophone connected to this communications network and its address on the communications network be stored at the operations center, as well as the use this information to establish direct transmission of the audio and video communications between the calling and called videophones over the communications network. Accordingly with the present invention a user need only indicate a videophone to be called. The operations center is then queried by the videophone to verify the IP address of the videophone to be called, and the called is placed from the calling videophone to the called videophone, with both the video and audio communications passing directly between the callers, and without further steps on the part of the callers, or without further involvement of the operations center.

This again should be contrasted with the system according to Parker (See Figures 1 and 2, Column 3, Line 39 to Column 4, Line 38) in which the users must first log into a server system

(111) indicating that they are ready to initiate or receive a video call. Then the calling party must initiate a video call by first dialing the other party on an ordinary telephone. The called party must then answer this ordinary audio only call, to establish a standard PSTN call between the two parties over the PSTN network (120). When this standard PSTN call is established the calling party user system (101) transmits a video call request to the server system (111) which includes the calling and called parties' telephone numbers which are derived by the user system (101) from the PSTN call. The server system (111) verifies that both parties are currently logged in, and if so transmits a video call request to the called party over the public data network (110.) The called party must then accept this request and upon his/her acceptance, his/her user system (104) sends a signal back to the server system (111) over the public data network (110) and the server system (111) alerts both user systems (101 and 104) over the public data network (110) that a video call is about to begin. The user systems (101 and 104) then each begin to transfer their respective video communications back to (and through) the server system (111) over the public data network (110,) with the server system (111) processing the two video streams to ensure their compatibility (See Column 10, Lines 43 – 57). The parties' respective audio communications continue over the PSTN network (120) totally independent of the video communications. Clearly the Parker system is considerably more complex than the system afforded by the present invention, it does not operate in the same manner, nor does in any way employ or suggest the use of a communications network having sufficient bandwidth and configured for transmitting both audio and video communications in real time. Accordingly, this rejection is traversed and should be withdrawn. For the same reasons, the rejections of dependent claims 2, 4-5 and 9-11 are also traversed and should be withdrawn.

In addition, regarding claim 2, Parker does not provide any teaching with respect to a communications medium configured for connecting the videophones to the communication network. While Parker does make reference in the discussion of Fig. 3 (col. 4, line 67) that the telephone system (303) could utilize wireless, wire-line, optical, or other communication media there is no comparable reference to any communication media used with respect to the video system (301), and clearly none with respect to a media or medium configured to transmit both audio and video. Accordingly for this reason also the rejection of claim 2 is traversed and should be withdrawn.

Regarding claims 4 and 5, the Examiner asserts that Parker teaches an operations center which comprises means for storing a user registry. While Parker does describe a server system (800) that is coupled to an Internet connection (817) as well as the storage of user information in the server system, in contrast to the present invention, the actual information used to make the video call is derived from the initially placed audio only call (see e.g., col. 1, lines 52 - 67) and not by making an inquiry to the server system. Applicants have amended claims 4 and 5 to further emphasize this distinction. Accordingly for these reasons as well, the rejections of claims 4 and 5 are traversed.

The Examiner has rejected claim 6 as being unpatentable over Parker in view of newly asserted patent application publication US 2004/0240642 A1.(hereinafter "Crandell"). As a claim dependent upon claim 1 which the Applicant's believe is allowable, allowance of this claim 6 is respectfully requested.

Claims 3 and 13 of the present application stand rejected under 35 U.S.C. 103(a) as being obvious over Parker in view of U.S. Patent Application 2002/00800230 (hereinafter "Van De Sluis"). Claims 3 and 13 are also dependent upon claims 1 and 12, respectively, which are

submitted to be allowable for the reasons discussed above. In addition, Applicants submit that there would be no motivation, absent the impermissible use of hindsight through reference to Applicants' own disclosure to combine the teachings of Van De Sluis with Parker in the manner suggested by the Examiner. As discussed above the system according to Parker depends upon the initiation of a video call through the placement of a standard audio call on a standard telephone. One of ordinary skill in the art, having only the teachings of Parker and Van De Sluis before them, would not be motivated in the manner suggested by the Examiner because the system of Parker simply cannot be used in this manner for at least two reasons. First, there is no graphic display available on a standard telephone. Accordingly there would be no way to employ the graphic display of Van De Sluis to initiate a call in the system of Parker. Second, the video system of Parker is used only to transmit images of the participants in the call once the call has been established. Only through substantial modifications of Parker's system, which would defeat the whole purpose of the system, i.e., to facilitate integration of a video link with a conventional telephone system, could Parker's system be made to operate in the manner suggested by tine Examiner. Accordingly for these reasons also, the rejections of claims 3 and 13 are traversed and should be withdrawn.

Specifically in regard to Claim 13 the Examiner has indicated that Parker teaches selectably obtaining, digitizing and transmitting images and sound of the called and calling party over a communication network. As discussed above, the Applicants respectfully traverse this characterization of Parker for the reasons set forth. The Examiner further indicates that Van De Sluis is required for a teaching of uniquely identifying the party to be called. The Applicants have however amended Claims 12 and 13 to introduce this limitation into the independent Claim 12 and remove it from the dependent Claim 13. The Applicants however consider Claim 13 to

be allowable as amended for the reasons discussed above and such allowance is respectfully requested.

Claim 15 stands rejected under 35 U.S.C. 103(a) as being obvious over Parker in view of a new reference, European Patent Application EP 0 801 499 A2 (hereinafter "Rao"). In rejecting claim 15 the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Parker system to provide for the recited retrieval of from memory means of images and sounds as disclosed by Rao. Claim 15 is dependent upon Claim 14 which is in turn dependent upon Claim 12, respectively, which are submitted to be allowable for the reasons discussed above. Applicants respectfully submit that the rejection of claim 15 is traversed and should be withdrawn.

The rejections of dependent claims 7 and 8 are also overcome for the same reasons given in support of independent claim 1 and dependent claim 2.

Claim 16 stands rejected under 35 U.S.C. 103(a) as being obvious over Parker in view of U.S. Patent 6,163,335 (hereinafter "Barraclough"). Claim 16 is dependent on claim 2 and is therefore allowable for the same reasons discussed above with respect to claim 2. In addition, Applicants respectfully traverse the Examiner's characterization of Barraclough. As shown in Figure 1 of Barraclough a camera and standard telephone are connect to a video conferencing unit (108) which in turn is connected to a communications channel 106. As shown in Figure 2 of Barraclough the signals of the camera, telephone, etc are all multiplexed for delivery over that communications channel 106. Communications channel 106 is further described in Column 3, Lines 29-33 as an "interface, for example, with a public switched telephone network, a private telephone exchange, an internet, a private network or a less complex direct interface". In the system according to Barraclough a standard telephone is used to control the video conferencing

and to transmit the audio portion of the video conference. Reference is made to column 3, lines 46-59, wherein it is stated "at least one of the video conferencing arrangements has the capability to automatically determine whether a videoconferencing call or conventional telephone call is being initiated. If a conventional telephone call is being initiated, the video processing functions of the videoconferencing unit are not activated and the user proceeds with the conventional telephone call. If the videoconferencing call is being initiated, the videoconferencing unit establishes a data connection with a compatible device at the remote end of the communications channel and proceeds with the videoconference. Preprogrammed codes are stored and then accessed in response to a user require, such as entering a telephone number, to initiate a call.

Claim 16 adds to the system of the present invention a plurality of conventional PSTN phones, but these phones are connected to a separate communications network, i.e., a PSTN network that is configured for transmitting audio communications. If the party to be called does not have a videophone, the call is automatically routed over the PSTN or second communications network and not the first communications network configured for transmitting both audio and video. In the present invention the calling party need not enter any preprogrammed codes to designate whether the call being made is a video or audio only call. Rather this is determined automatically by the system of the present invention based upon the capabilities of the called party. Claim 16 has been amended to more particularly point out theses distinctions. Accordingly, for these reasons also, the rejection of claim 16 is traversed.

Claims 26, 36, 45 and 47 stand rejected under 35 U.S.C. 103(a) as being obvious over WO 99/34600 (hereinafter "Mazurek") in view of JP 407264298A (hereinafter "Ono") U.S. Patent 5,844,600 (hereinafter "Kerr") and Crandell (as referenced above).

In regard to claims 26 and 47 the Examiner asserts that while Mazurek discloses the general method of making a videophone call, and that reference must be made to Ono for a teaching of selectably entering or selecting information with the videophone of the calling party uniquely identifying the videophone of the called party with respect to any other systems or devices connected to the communication network; and to Kerr for a teaching of synchronizing the microphone signals with the camera signals, and to Crandell for a teaching of verifying that the called party is in a database of parties operable to receive a videophone call.

Applicants respectfully traverse the Examiner's characterization of Mazurek. It is well known that even with today's improved bandwidth as well as the improved compression and error handling techniques it is still not possible to provide real time video communications over the standard telephone network ("PSTN"). The Examiner's attention is drawn to the absence of any commercial product providing such functionality. The standard PSTN network is simply not currently configurable for transmitting video and audio communications in real time. To emphasize this point, Applicants have amended Claims 26 and 47 to specify that the communication network of the present invention has sufficient bandwidth and is configured for transmitting such video and audio communications **in real time.** Clearly this would not be possible in the videophone described by Mazurek. That is why the system described by Mazurek only requires a display capable of operating at up to 15 frames per second (Page 6, Lines 16 – 19) and a modem which is v.34 compliant at 33.6 kbits/sec (Page 6, Lines 23-25). It is well known to those skilled in the art that a bandwidth of approximately 100kbits/sec and frame rates of approximately 30 are required to real time communications.

Applicants also respectfully traverse the Examiner's characterization of Ono. As set forth in Ono's abstract, "a caller acquires a communication means **registered in a called device**

by a called party communication means acquisition section 5" [emphasis added.] This should be contrasted to the present invention which involves "selectably entering or selecting information **with the videophone of the calling party** uniquely identifying said videophone of the called party." What Ono describes is therefore almost the exact opposite of what is taught by the present invention.

Furthermore, although Kerr does provide a discussion of various techniques for synchronizing audio and video signal, such techniques cannot be utilized by the system described by Mazurek. All of the techniques describe by Kerr involve delaying the audio to match it with corresponding video. Kerr thus assumes that the video as well as audio are being transmitted real time. This cannot be the case with the system described by Mazurek. Although audio transmission can be made in real time, video transmission will likely be a staccato sequence of time separated images for which the sound can never by synchronized. Accordingly it is not possible to modify Mazurek in light of any teachings providing by Kerr and such combination is inappropriate. There is no suggestion of the combination indicated by the Examiner in the references cited by the Examiner. Claims 36 and 45 are dependent on claim 26 and are therefore deemed to be allowable for the reasons discussed above with respect to claim 26

Further, in regard to Claim 36 the Examiner indicates that Mazurek differs from Claim 36 in that Mazurek does not specifically teach types of information which a videophone can receive, including chat, messaging services, information services and IP telephone calls, but that Crandell teaches types of information which videophones can receive including messaging services, information services and IP telephony calls. As is indicated above, the Abstract of Crandell, describes the apparatus/method of Crandell which provides control over inbound communications including the definition of it, when, and who may communicate with a

recipient." Crandell uses a set of programmable rules to allow or disallow various types of communication, which rules define whether, when and from whom a recipient will accept the various types of communication. Crandell specifically references voice and instant messaging as some of the types of communications that are applicable. Neither Mazurek nor Crandell provide any discussion of chat, information services or IP telephone calls. Accordingly for the above reasons the rejection of Claim 36 is traversed and should be withdrawn.

Claim 27 stands rejected under 35 U.S.C. 103(a) as being obvious over Mazurek in view of Ono, Kerr and Crandell as applied to Claim 26 above, and further in view of U.S. Patent Application Publication US 2003/0007793 A1 (hereinafter "Suzuki") and U.S. Patent Application Publication US 2002/0001372 A1 (hereinafter "Katz"), with the Examiner stating that the combination differs from Claim 27 in that it does not teach the following: high resolution camera and wide angle lens, and image processing means for affording zoom, pan and tilt functionality by selecting various zones of magnification within the resultant image from the camera, but that Suzuki teaches the high resolution camera and wide angle lens, and Katz teaches the image processing means for affording zoom, pan and tilt functionality by selecting various zones of magnification within the resultant image from the camera. This rejection is also traversed for the same reasons given in support of Claim 26. Furthermore while Suzuki may describe a high resolution, wide angle lens, and Katz may describe a controller with tilt, pan and zoom functions, the subject of Claim 27 is the use of such apparatus to process a larger than required image taken by the camera to select smaller zones within the larger image and thereby achieve the functions of zooming, panning and tilting. This is not taught by either Katz or Suziki, in combination or otherwise. Nor is there any suggestion of such combination in either

Katz or Suziki. Accordingly the combination and the rejection based upon the combination are further traversed.

The various rejections of dependent Claims 28-34, 37-44, 46 and 48 are also traversed for the same reasons given in support of independent Claims 26 and 47.

Furthermore with respect to Claim 31 which stands rejected under 35 U.S.C. 103(a) as being obvious over Mazurek in view of Ono, Kerr and Crandell as applied to Claim 26 above, and further in view of U.S. Patent Application Publication 2003/0148753 A1 (hereinafter "Pappalardo",) with the Examiner indicating that the combination differs from Claim 31 in that it does not specifically teach memory means for storing call logs, current time, current date and non-directory information about the videophone users and information control means, but that Pappalardo discloses a system and method for creating a note related to a phone call which teaches call logs, current time and date, non-directory information and information control means. The Applicants respectfully traverse this characterization of Pappalardo. While Pappalardo does discuss a "call log" with the time and date of the calls on the log, there is no discussion of the other elements indicated by the Examiner. The Applicants have further amended Claim 31 to emphasize this distinction.

The rejections of the remaining claims that are directly or indirectly dependent on claim 31 are also traversed for the reasons discussed above with respect to claim 31.

In view of the foregoing, Applicants respectfully submit that the claims under examination are patentable and allowable as amended over the art of record and that the application is now in condition for allowance. Accordingly, favorable reconsideration of the application is respectfully requested.

Respectfully submitted,

By: /wab/
William A. Blake
Reg. No. 30,548

JONES, TULLAR & COOPER, P.C.
P.O. Box 2266, Eads Station
Arlington, VA. 22202
(703) 415-1500
Dated: January 23, 2007